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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/376,047 01/19/95 BRINKLEY

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EXAMINER

22M2/1010

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201 EAST FIFTH STREET
CINCINNATI, OH 45202

ART UNIT

PAPER NUMBER

3

2201

DATE MAILED: 10/10/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1 - 18 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 - 18 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1. The disclosure is objected to because of the following informalities:

On page 3, line 16, and in line 2 of the abstract, "fire arm" should be "firearm"; on page 5, line 19, "end 16" should be "end 26"; on page 9, line 12, "switch" should be "switches"; and on page 9, line 18, "housing" should be "housings".

Appropriate correction is required.

2. The drawings are objected to because the numeral 30, indicating the flex connector, has been omitted from Figure 2 (see page 7 of the specification). Correction is required.

3. Claims 1 through 11 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 1 of claim 1, "said firearm" has no antecedent basis, since a "firearm" has not been previously claimed; and claim 16 is indefinite in that the claim depends from itself.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication

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in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6. Claims 1, 2, 4 through 9, 11 through 16, and 18 are rejected under 35 U.S.C. § 102(a) as being clearly anticipated by Sayre.

7. Claims 1, 4 through 7, and 12 through 14 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Blomerius.

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8. Claims 1, 2, 8 through 12, and 15 through 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Horne et al in view of Arter. Horne et al discloses a firearm 10 and a monitoring device 12 having a first means 34 for creating a first signal and a second means 50 for generating a second signal. Horne et al does not disclose that the second means maintains a total count of the number of first signals. Arter teaches a means, a, for maintaining a total count of signals received. It would have been obvious to one of ordinary skill in the firearm device art at the time the invention was made to employ the teachings of Arter on the firearm and device of Horne et al and include a means for maintaining a total count of signals for the purpose of accurate maintenance records.

9. Claims 1 through 3, 8, 9, 11, 12, 15, 16, and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Horne et al in view of Guild. Horne et al discloses a firearm 10 and a monitoring device 12 having a first means 34 for creating a first signal and a second means 50 for generating a second signal. Horne et al does not disclose the use of an audible display. Guild teaches the use of an audible display for providing information regarding a firearm and a firearm device. It would have been obvious to one of ordinary skill in the firearm art at the time the invention was made to employ the teachings of Guild

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on the device of Horne et al and include an audible display for the purpose of improved communication of the firearm information.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Gocke, Hazelton, Johnson et al, Brennan, and Schabdach et al, British Patents 137645 and 2182424, and European Patent 554905 are cited as of interest to show round counters for weapons.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa M. Wesson whose telephone number is (703) 308-1685.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0511.

Charles T. Jordan
CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
GROUP 2200

TMW
THERESA M. WESSON
PATENT EXAMINER
GROUP 2200

Theresa M. Wesson

October 3, 1995